

Food Safety Notice

REFRIGERATION OF POTENTIALLY HAZARDOUS FOODS AT OR BELOW 41°F

On January 1, 1997, the maximum allowable cold holding temperature for most potentially hazardous foods (PHF) was reduced from 45°F to 41°F. This change to the California Health and Safety Code was applicable to all food facilities, but did allow for a 5-year grace period for refrigeration equipment that was not capable of being adjusted to hold food at the lower temperature. Generally, food facility owners and operators have not been required to replace or modify any existing refrigeration equipment as long as the equipment was capable of holding PHF at temperatures no higher than 45°F. However, the grace period ends on January 1, 2002, at which time the requirement for holding most PHF at or below 41°F will be enforced.

There are still some exceptions to the 41°F cold holding requirement. The exceptions are detailed in a portion of the California Health and Safety Code known as the California Uniform Retail Food Facilities Law (CURFFL). For specific details, see CURFFL Sections 113995, 113997, 114315, 114350, and 114351. In summary, the following PHF can still be held at temperatures up to 45°F after January 1, 2002:

- Unshucked live molluscan shellfish
- PHF held for dispensing on serving lines and salad bars (not to exceed 12 hours in any 24 hour period)
- PHF held at temporary food facilities (not to exceed 12 hours in any 24 hour period)
- PHF samples distributed at Certified Farmers' Markets
- Pasteurized milk and pasteurized milk products in original, sealed containers
- Raw shell eggs (can also be unrefrigerated under certain conditions specified in CURFFL)

Since the January 1, 2002 date is fast approaching, food facility owners and operators should be aware that non-complying refrigeration equipment that is used to store PHF may have to be modified significantly or replaced in order to meet the cold holding temperature requirement. All replacement refrigeration equipment must be capable of holding food at temperatures of 41°F or below. Existing, non-complying refrigeration equipment can be utilized for the storage of canned or bottled soft drinks, beer, raw produce, and other non-potentially hazardous foods.

Of particular concern are mobile food preparation units, mobile food facilities and temporary food facilities that may utilize non-mechanical refrigeration (cold plates and ice chests) to maintain PHF temperatures. Since there is no requirement that any food facility have mechanical refrigeration equipment (which must be equipped with a blower as defined in CURFFL Section 113860), the use of non-mechanical refrigeration devices will still be allowed. However, a local enforcement agency may require mechanical

Food Safety Notice

refrigeration if it can reasonably be predicted that other methods of refrigeration will not be capable of maintaining food at 41°F due to extreme ambient air temperature environments.

In cases where compliance with the maximum 41°F cold holding requirement proves difficult or impossible, food facility owners and operators do have the option of developing a Hazard Analysis Critical Control Point (HACCP) plan for each PHF held in cold storage. The HACCP plan(s) must address the specific hazards posed by the higher holding temperatures and must detail the food handling procedures to be followed by food handlers when relying on a time factor in lieu of temperature control in order to control the growth of pathogens. Further, as specified in CURFFL Section 114056 (a), HACCP plans developed using time as a critical limit to assure the safety of a PHF shall not be implemented without prior review and approval by the enforcement agency.